

# MINUTES OF PUBLIC MEETING

20 N. 3RD STREET  
LAFAYETTE IN 47901

## STAFF PRESENT

James Hawley  
Sallie Fahey  
Kathy Lind  
Rodney Forbes, Atty.

Jan Mills called the meeting to order.

## I. APPROVAL OF APRIL 22, 2003 MEETING MINUTES

Steve Schreckengast stated that on page 4 of the minutes he was misquoted. He said that it should read “most of the problems of setbacks are caused by the lack of having a surveyor.” He pointed out that “lack of” was left out.

Mark Hermodson moved to approve the corrected minutes from April 22, 2003.  
Karl Rutherford seconded and the motion was carried by voice vote.

Kathy Lind informed the Committee that a revised agenda had been distributed.

## II. PROPOSED ORDINANCE AMENDMENT OF MISCELLANEOUS MINOR CHANGES:

### A. Drive-thru message boards

Kathy Lind stated that the Ordinance currently lists menu boards as drive-thru restaurant menu boards. She mentioned that there are now menu boards for other establishments other than restaurants such as car washes. She said that the proposal is to drop the word restaurant from the definition of incidental signs.

**B. Changing flood “plain” to flood “way” in the RV campground section of the ordinance.**

Kathy Lind used an illustration to point out that the floodway and floodway fringe, both make up the flood plain. She read section 5-4-4 Filing Requirements (b)(7) from the Ordinance. She explained that the term flood plain should be amended to floodway, since the floodway fringe is part of the flood plain. She

stated that the intent was not to allow campsites in the floodway portion of the flood plain. She mentioned that there has not been previous discussion on this topic because it is simply a typographical error that needs to be corrected.

Mark Hermodson moved that the amendments to section 1-10-2 and section 5-4-4 be passed on to the full Area Plan Commission. Karl Rutherford seconded and the motion carried by voice vote.

### **C. Subdivision entrance signs**

Kathy Lind informed the Commission that Sallie Fahey expressed some concerns on the topic of subdivision entrance signs. She stated that the staff was going to further review and discuss the topic before bringing it before the Committee again.

Karl Rutherford asked if the other two amendments should be held up until the subdivision amendment is ready.

James Hawley pointed out that they are not related, and the first two can move forward.

Karl Rutherford explained that he thought it might be easier and faster when the amendments were presented to the respective towns all together.

Steve Schreckengast mentioned that Bill Davis was present in the audience, and wished to speak on the subdivision sign issue. He suggested that Bill Davis and Sallie Fahey have a discussion separate from the Ordinance Committee.

### **III. 50' SPECIAL BUILDING SETBACK AND SCENIC BYWAY DESIGNATION FOR S. RIVER ROAD**

James Hawley stated that before the scenic byway proposal, there was a section in the Ordinance for special setbacks on North River Road and for floodplains. He said that when the rural outdoor sign ordinance was adopted, it prohibited them in sight of roads with special setbacks. He explained that since 25', 30', 40' and 60' are standard setbacks, in order to protect S. River Road, Division Road and the road leading to Ross Park from outdoor signs he is proposing that a special setback of 50' be adopted for these areas. He stated that placement of rural outdoor signs would prevent this area from being designated as a scenic byway. He said that if this were not adopted, the State would probably reject the entire the community's proposal request for scenic byway. He mentioned that this would be a way to protect the scenic byway within the context of the existing Ordinance. He reviewed the proposed language for the amendment.

Mark Hermodson moved to send the amendments of section 4-4-3 (b) and 1-10-2 (6) to the full Area Plan Commission for approval. Karl Rutherford seconded and the motion passed by voice vote.

#### IV. CONTINUED DISCUSSION ON A NEW R1C ZONING DISTRICT

Sallie Fahey stated that she would brief the Committee on all of the discussions of this subject and then give the staff's recommendation. She said that R1C would permit 5,000 square foot lots with 50' frontages. She explained that the reason for this proposal is that there are a lot of PD's that resemble subdivisions. She said that one of the questions that came up was whether open space or recreation land could be required in the more dense developments if they were not done as a PD. She mentioned that that question was assigned to Jay Seeger, and she could not answer it at this time.

She said that the R1C idea was discussed at the monthly Administrative Officers' meeting and the response was unfavorable. She informed the Committee that the following individuals were present at that meeting: Opal Kuhl and Julé Collins from the City of Lafayette; Bob Bauman and Scott Snyder from the City of West Lafayette; Ron Highland; Al Levy and 2/3 of the APC staff. She stated that the City of Lafayette's concern was that the developments would be dense enough that without the ability to require open space, it would be better to stick with the PD process. She said that the City of Lafayette also suggested that one-car garages not be allowed in the R1C zone because narrower lots have less street frontage to park on. She stated that the staff would like to work on a proposal for R1C, for the Committee and development community to review before any final decision is made. She said that since Margy Deverall is primarily responsible for PD's she would be working on this proposal. She stated that she notified the developer who currently has one of these developments filed as a PD and advised him to continue as such, since the R1C proposal would not be immediately effective.

Jan Mills asked for clarification on the concern that the City of Lafayette had regarding open space.

Sallie Fahey explained that unless the research from Jay Seeger shows that the APC has the ability in a subdivision to require open space, then they would prefer the PD process where open space can be required through negotiation.

Karl Rutherford asked for confirmation that the developers' concern was that the PD process required payment up front without a guarantee of approval. He asked if there were any other reasons. He stated that he was in favor of the PD process and the requirement of open space that it allows.

William R. Davis, Raineybrook Reality, stated that this idea started in 1993, when he wrote a letter to James Hawley. He said that he submitted another letter in 1998 to the Builders Association and to some other members of the community, regarding the consideration of R1C. He mentioned that regular rezones did not have a lot of upfront costs and PDs are the same rezone processes without any assurances and they do have a lot of upfront costs. He said that the concern is

not spending any more money than necessary for the zoning issues. He stated that if a PD is done properly, there is a very good chance it will be approved, but is still very expensive. He pointed out that materials could be provided that would guide the PD process and reduce the cost. He said that the materials would not be exact, but would be enough information to accurately determine the zoning issue. He mentioned that he did not know if that was an ordinance issue or not. He reiterated that it was the concern of cost to get through the rezone process. He mentioned that he has had one or two PDs fail at the rezone phase and it is very expensive.

Karl Rutherford pointed out that there have only been 2 PDs that have failed and they did not fail at this phase, they failed at the jurisdiction phase.

William Davis stated that the PD process has become much more effective in the County than what has been historically. He mentioned that it takes up a lot of time, both with the staff and the developers. He said that a zoning category such as R1C, if used appropriately and structured correctly, might eliminate some of the time concerns. He stated that he was in favor of an R1C even if more restrictions were placed on it.

Karl Rutherford stated that he liked the fact that PDs eliminate the worst-case scenario outcome. He said that with a blanket R1C, there is the possibility of achieving the worst-case outcome.

William Davis stated that as subdivisions get denser these are more legitimate concerns. He mentioned that he had some additional suggestions. He said that R1 and R1B are used quite frequently and R1A is not because it does not make sense. He said that the cost of lots and developments is driven by the front footage of a lot. He stated that he was not requesting a reduction in square footage, nor was that the intent of the request. He requested that R1 be reduced from 75' to 60' frontage; the R1A reduced from 75' to 60' frontage and the R1B reduced from 60' to 50'.

Mark Hermodson asked for clarification that he was requesting 2 of the zones at 60' and one at 50'.

William Davis replied affirmatively. He stated that R1 is a 6,000 square foot lot, which would not change.

Mark Hermodson pointed out that R1 is a 10,000 square foot lot.

William Davis corrected himself and said they did not want that to change. He stated that R1A is 7500 square feet and the R1B is 6000 square feet. He reiterated that he is not requesting to change the square footage. He mentioned the reasons for this request were: there would be more rear yard useable space, it would not be a reduction in the minimum lot size, it would result in a reduction

of cost to the consumer and reduce the number of side yard setback variances. He stated that the reason for the side yard setback variances was due to the houses being built in the middle of the 75 foot lots with a lot of room on one side or the other. He pointed out that anyone wanting to put an addition on, is forced to using the side and creating a side yard setback variance. He mentioned that since they were discussing the R1C issue, these other requests were worthy of consideration also. He stated that this request would create a more livable lot and a more flexible subdivision. He said that frontages in his developments are usually larger than the minimum for a lot of different reasons.

Sallie Fahey informed the Committee that at the Administrative Officers meeting last week, they also discussed William Davis's additional suggestions. She stated that the response to these suggestions was even less favorable than to the R1C proposal. She said that one of the main concerns was the narrower lot size. She pointed out that a 50' wide R1B lot is the same as a 50' wide R1C lot and the same concern of not enough street frontage would still apply. She said that the Administrative Officers were very concerned that a lot of the housing products being built today would not fit on lots 15' narrower than the current minimum.

Steve Schreckengast pointed out that sprawling ranch houses are currently not the trend. He stated that 48' is what is available to build on a 60' lot, and there are plenty of products that would work. He agreed with William Davis' idea that a lot of people live off the back of the house, not on the side. He pointed out that this would be the minimum and not all would be to that standard.

Sallie Fahey mentioned in Dayton's newest subdivision staff had recently approved building permits for 52'x47' houses. That would not fit on the R1A and R1 60' wide lot, because it would not allow enough room for setbacks. She stated that a narrow lot would reduce variance requests, but it would also reduce any option to add on to the side, and all additions would have to be in the rear.

Brian Keene, Gunstra Builders, agreed with William Davis' suggestions. He said that would allow more flexibility with the rear yard. He pointed out that not every lot would be that narrow because accommodations would have to be made for ranch homes or 3 car garages. He said that it allows more flexibility for a more diverse product. He mentioned that the City of Lafayette has much narrower lots than 75'. He suggested amending the R1Z zone to facilitate the R1C idea. He pointed out that the R1Z has been around for a long time and hardly ever been used. He said that one of the negatives of the R1Z is that the perimeter of the zone has to have a 60' lots, so there is not much gained. He pointed out Blackbird Farms as an example of 50' lots with 38' wide products, which turned out very nice with a big demand. He reiterated that amending the R1Z to the R1C idea would have the same result.

Steve Schreckengast asked if R1Z was a zero lot line.

Brian Keene responded affirmatively.

Sallie Fahey stated that no one has used the R1Z zoning. She informed the Committee that the staff has discussed reviewing the R1Z zone to make it more attractive for use. She mentioned that there are a lot of unique things that can be done with a zero lot line. She suggested taking a look at R1Z at a later date to see if it can be made workable.

Steve Schreckengast stated that his concern with R1Z is that the wall on the property line dictates the design and prohibits one whole side of the house from having windows. He asked Brian Keene his opinion on having the 50' wide lot with mandatory green space.

Brian Keene stated that there is a place for it. He mentioned that an acre of green space for every five lots was too excessive, but there should be some green space and some compromise. He said that most of the cost was in the street frontage, and deeper lots would give more green space. He stated that even 120' deep and 50' wide would still work. He reiterated that the number crunching would have to be done to determine the amount of green space.

Steve Schreckengast stated that it would make a difference depending on whether it was 10 acres or 50 acres of R1C. He mentioned that the larger subdivisions should definitely have more green space.

Brian Keene agreed. He said that the number of lots would have to determine the amount of green space because financially it would not work with smaller developments.

Opal Kuhl, City of Lafayette Engineer, stated that the concerns that had been expressed in the AO meeting were more of whether or not green space could be required in an R1C zone. She explained that they were inquiring as to what they were allowed to require, such as green space, number of trees or color of houses. She said that she wanted the research to show how many things they could request or require to give the subdivision some variety.

Steve Schreckengast asked if a PD process involved color selection.

James Hawley replied negatively.

Sallie Fahey stated that the one complaint that they receive from the public is that everything is the same and boring. She said that she has mentioned to developers during PD meetings to add some variety to the mix, but color has never been a requirement.

James Hawley stated that in some of the modern designs they have specified the type of fascia material and form in order to achieve a brick pattern, such as on

the Levee. He said that in the single family residential area that is typically not done.

Karl Rutherford pointed out that there is an ongoing discussion of the PD process in the Efficiency Work Sessions. He suggested that changing some of the upfront cost requirements of the PD, might solve the problem.

Steve Schreckengast stated that was discussed in the Efficiency Work Session.

Jan Mills stated that there was no decision made on that subject.

Karl Rutherford pointed out that it was simply a discussion but could be a solution destroying the PD process.

James Hawley stated that could result in a more ridged ordinance because more would be required on paper.

Karl Rutherford pointed out that some of the upfront costs that could be deferred and some of the points that allow more flexibility of the PD process. He mentioned that the efficiency discussion was heading in that direction.

Sallie Fahey mentioned that at sometime that discussion would have to be revisited.

Karl Rutherford mentioned that the developers should educate the Commission on where the upfront costs occur.

Jan Mills asked if Karl Rutherford was suggesting that they do not look at the R1C but instead focus on this.

Karl Rutherford stated that everything should be considered. He mentioned that William Davis wanted the R1C because PDs are too expensive and making PDs cheaper would satisfy the developers and the efficiency issue.

Mark Hermodson stated that he would like Margy Deverall to continue research on R1C because it leaves options for making development more compact. He said that while he agrees a lot of these options have the same outcome, there needs to be more research on the specifics.

Karl Rutherford agreed.

Jan Mills asked if there was a consensus to have Margy Deverall work on a proposal for R1C.

Brian Keene reminded the Committee that a PD was originally supposed to be for something unique and 50' lots are not unique. He pointed out that when a PD

is presented to Area Plan for the first time all of the engineering work has already been done, which is where the upfront cost comes from. He suggested submitting a schematic with a use and density plan while retaining the ability to make adjustment as they go would be a solution so long as the approved density and use were not exceeded. He reiterated that a PD should be a unique development.

Steve Schreckengast agreed with Mark Hermodson. He said that the R1C should be pursued to make everyone happy.

*Steve Schreckengast left the meeting.*

Jan Mills suggested adjourning the Ordinance meeting and begin discussion on the Executive Director Search.

## **V. CONTINUED DISCUSSION ON RE DEVELOPMENT STANDARDS**

*Topic skipped due to time restraints.*

## **VI. DISCUSSION ON AN ORDINANCE CHANGE TO ALLOW BREEDING OF LAB ANIMALS IN OR AND I DISTRICTS BY RIGHT**

Sallie Fahey informed the Committee that Mike Brooks brought this topic to James Hawley's attention because of a new industry that might come to town. She stated that this industry is in the business of breeding lab animals for sale to laboratories that do research. She said that this would strictly be a breeding facility and is listed in the Ordinance under Agricultural Uses. She pointed out that this business has more of a feel of an industrial park or office research facility. She proposed that the staff prepare an amendment for the Committee's review that would move the animal breeding activity out of that particular SIC number and also allow it in OR and I districts by right.

James Hawley mentioned that Mike Brooks may have already located a site in Benton County.

Sallie Fahey pointed out that this happened only a few days ago. She said that the staff had been expecting a rezoning petition instead.

James Hawley pointed out that lab rats and mice must be clean and the facility must have a sewage disposal plant with a large capacity. He stated that when the ordinance was written, they did not take that into consideration, they only thought of breeding animals such as dogs and cats.

Mark Hermodson pointed out that breeding of lab animals such as rats, mice and rabbits really is more of an industrial process.

James Hawley stated that there is a possible site that is currently zoned I that could be successfully rezoned to A due to the location and feel of the property.



Sallie Fahey mentioned that this topic initiated the discussion on changing the ordinance altogether.

Everyone agreed to have the staff prepare an amendment.


## **VII. CITIZEN COMMENTS**

## **VIII. ADJOURNMENT**

Mark Hermodson moved to adjourn. Karl Rutherford seconded and the motion passed by voice vote.

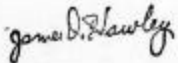
Jan Mills adjourned the meeting at 6:00 p.m.

Respectfully submitted,



Michelle D'Andrea  
Recording Secretary

Reviewed by,



James D. Hawley, AICP  
Executive Director